	NEW PALTZ POLICE DEPARTMENT Policy and Procedures	
	<i>Subject</i> 50.4 Juvenile Operations	
	ISSUED: March 9, 2011	EFFECTIVE: March 9, 2011
	REVISED: February 23, 2023	RESCINDS:
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Juvenile Operations


50.41 PURPOSE

The purpose of this policy is to provide guidelines for members of the New Paltz Police Department when dealing with juveniles in enforcement and custody situations as well as ensure the Department maintains records on juveniles separate from records on adults.

50.42 POLICY

It is the responsibility of all members of this department to familiarize themselves with juvenile problems and established procedures for handling both criminal and noncriminal juvenile incidents as defined in this policy. Officers should bear in mind that only a small percentage of juveniles commit the majority of juvenile crimes. While this small percentage may require secure custody, the vast majority of juvenile offenders are likely candidates for non-secure custody and positive diversion and intervention strategies. With this in mind, officers shall whenever reasonable and justified under this policy, take those measures necessary to effect positive changes in juvenile offenders that are consistent with state law and the safety and security interests of the community.

- A. New Paltz Police Department Detective Division is responsible for the collection, dissemination and retention of juvenile records.
- B. Juveniles taken into custody for criminal-type offenses shall be subject to the same reporting requirements as adults. Such reports shall be clearly marked "Juvenile," maintained in a separate location from adult arrest records and be subject to state law regarding dissemination and access.
- C. Juvenile records will be kept in a locked filing cabinet in the Detective Division.
- D. Data on juveniles will be entered in the New World Public Safety System Law Enforcement Records Management System (LERMS). Based on the age/date of birth entered, the computer program will automatically lock the applicable juvenile records thus limiting its access to only designated personnel.

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50.43 DEFINITIONS

A. Juvenile delinquent


1. A child 7-11 years of age and is charged with certain homicide related offenses and the matter is adjudicated in Family Court.
 - i. A child 7-11 years of age, who having committed an act that would constitute a crime if committed by an adult IS NOT considered a juvenile delinquent and can be referred to Ulster County Department of Social Services for a differential response.
2. A child 12-15 years of age, who having committed an act that would constitute a crime if committed by an adult and the matter adjudicated in Family Court.

B. Juvenile offender

1. A child 13-15 years of age that commits a felony act delineated Penal Law §30.00 (2). The child is considered criminal responsible and is to be arraigned in Youth Part of Superior Court.

C. Adolescent Offender – a sixteen (16) or seventeen (17) year old person charged with a felony.

1. A person 16 or 17 years of age IS criminally responsible for acts constituting:
 - i. Felony – adjudicated in Youth Part of Superior Court
 - ii. Traffic Infraction – adjudicated in New Paltz Court
 - iii. Violation offense – adjudicated in New Paltz Court
 - iv. VTL Misdemeanor – i.e., DWI, Reckless Driving, AUO – adjudicated in New Paltz Court.
 - v. Misdemeanors when accompanied by a felony charge from the same criminal transaction

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2. If accompanied by a felony, the case will go to a new division of County Court called the “Youth Part”
3. Misdemeanor resulting from the reduction of dismissal in satisfaction of a charge for a felony offense in accordance with a guilty plea.
4. A 16- or 17-year-old charged with a misdemeanor other than a VTL misdemeanor will not be fingerprinted since they are considered juvenile delinquents for this purpose.


D. Person in need of Supervision (PINS) - a person less than eighteen years of age who does not attend school in accordance with the provisions of part one of article sixty-five of the education law or who is incorrigible, ungovernable or habitually disobedient and beyond the lawful control of a parent or other person legally responsible for such child's care, or other lawful authority, or who violates the provisions of section 221.05 or 230.00 of the penal law, or who appears to be a sexually exploited child as defined in paragraph (a), (c) or (d) of subdivision one of section four hundred forty-seven-a of the social services law, but only if the child consents to the filing of a petition under this article.

1. Secure detention facility - a facility characterized by physically restricting construction, hardware and procedures.
2. Non-secure detention facility - a facility characterized by the absence of physically restricting construction, hardware and procedures.

E. Family Court – Court that hears cases involving juvenile delinquents. Cases are handled by the County Attorney’s Office.

F. Youth Part – Court created with Raise the Age legislation and part of Superior Court. Has exclusive jurisdiction in all proceedings dealing with juvenile offenders and adolescent offenders. Cases are handled by the District Attorney’s Office.


1. Number of Youth Parts: (information as of 12/27/2022)
 - i. Primary Judge designated to the Youth Part: Hon. Anthony McGinty

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- ii. Back-up Judge designated to the Youth Part: Hon. Keri Savona
- iii. After hour arraignments of Juvenile Offenders and Adolescent Offenders MUST take place before an Accessible Magistrate. Accessible Magistrates can handle only arraignments, following arraignment the magistrate must adjourn the case to the immediate next day for Youth Part. Accessible Magistrates for Ulster County are:
 - 1. Kingston City Court – Judge Ball and Judge Kirschner
 - 2. Town of Gardiner – Judge Blatchly
 - 3. Town of Rochester – Judge Shaheen
 - 4. Town of Marlboro – Judge Kraiza
 - 5. Town of New Paltz – Judge Bacon
 - 6. Town of Marbletown – Judge Davenport
 - 7. Town of Woodstock – Judge Lesko

50.44 PROCEDURE


- A. Cause for Arrest - As stated in the New York State Family Court Act “An officer may take a child under the age of eighteen (18) into custody without a warrant in cases in which he may arrest a person for a crime under article one hundred forty of the criminal procedure law. If an officer takes such child into custody or if a child is delivered to him under section 305.1, he shall immediately notify the parent or other person legally responsible for the youth’s care, or if such legally responsible person is unavailable the person with whom the youth reside, that the youth has been taken into custody and the location where the youth is being detained.
- B. Detention of Juveniles in Custody - Unless extenuating circumstances exist, juveniles in custody should be detained in the NPPD Juvenile Room located next to Communication. This room is in compliance with Part 205.20 of the New York State Unified Court System – Uniform Rules for Family Court.
 - 1. In the event a juvenile must be detained in a more secure location it will be in an area secure from any other adult prisoner and the member shall document the reason for not utilizing the approved interview room.

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C. Questioning of Juveniles in Custody

1. Juveniles will only be questioned in NPPD Juvenile Interview Room. This room will be in compliance with Part 205.20 of the New York State Unified Court System-Uniform Rules for the Family Court.
 - i. Juveniles can be questioned for a reasonable period of time, at their residence, upon the consent and in the presence of a parent or other legally responsible guardian per CPL § 140.20(6) and 140.27(5).

2. Questioning of Juveniles
 - i. juvenile shall not be questioned pursuant to this section unless they and a person required to be notified pursuant to 50.44(A) is present and have been advised:
 1. of the juvenile’s right to remain silent;
 2. that the statements made by the juvenile may be used in a court of law;
 3. of the juvenile’s right to have an attorney present at such questioning; and
 4. of the juvenile’s right to have an attorney provided for him without charge if he is indigent.
 - ii. In determining the suitability of questioning and determining the reasonable period of time for questioning such juvenile, the juvenile’s age, the presence or absence of their parents or other persons legally responsible for their care and notification pursuant to 50.44(A) shall be included among relevant considerations.
 - iii. A custodial interrogation must be recorded in their entirety, including the provision of Miranda warnings and the waiver, if any, of the rights by the youth and their parent/legal guardian. Custodial interrogation of youth shall comply with NPPD Policy and Procedure 50.2 Electronic Recording of Interviews and Interrogations.


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D. Fingerprinting of the juvenile – The New York State Family Court Act states, “Following the arrest of a child alleged to be a juvenile delinquent, or the filing of a delinquency petition involving a child who has not been arrested, the arresting officer or other appropriate police officer or agency shall take or cause to be taken fingerprints of such child if:


1. the child is twelve (12) to fifteen (15) years of age and the crime which is the subject of the arrest or which is charged in the petition constitutes a class A or B felony; or
2. the child is thirteen (13) to fifteen (15) years of age and is charged in the petition constitutes any felony.
3. A sixteen (16) or seventeen (17) year old charged with a VTL printable misdemeanor or felony pursuant to CPL § 160.10 (1).
4. A sixteen (16) or seventeen (17) year old charged with a PL felony pursuant to CPL § 160.10 (1). Whenever fingerprints are required to be taken pursuant to subdivision one, the photograph and palm prints of the arrested child may also be taken.

E. Release of Juvenile

1. A sixteen (16) or seventeen (17) year old charged with a traffic infraction or a Vehicle and Traffic Law Misdemeanor should be released on UTT’s returnable to New Paltz Court.
2. A sixteen (16) or seventeen (17) year old charged with a violation offense shall be released on an appearance ticket made returnable to New Paltz Court
3. A juvenile or adolescent offender charged with a misdemeanor as defined in Penal Law § 10(4) will be released on appearance ticket for Family Court.
 - i. Appearance tickets for misdemeanor crimes will be issued to the juvenile and a parent or guardian, made returnable to Ulster County Probation, 733 Broadway, Kingston New York 12401 for Wednesday at 10:00 a.m. The ticket must be made returnable within 14 days from arrest.

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- ii. Appearance Tickets for felonies that DO NOT require arraignment, the appearance ticket will be issued for Youth Part.
- 4. Per the Raise the Age legislation, there is a presumption against custody. Courts must employ the “least restrictive” means of ensuring a defendant’s return to court. Supervised release alternatives to detention will be considered.
- 5. Youth Part Arraignment – a sixteen (16) or seventeen (17) year old charged with a felony is arraigned in the Youth Part of Superior Court.
 - i. When Youth Part is in session:
 - 1. Upon felony arrest, all arrest paperwork will be emailed in advance to the Ulster County Court Clerk at cjones@nycourts.gov and bcornell@nycourts.gov. The youth will be brought immediately to Youth Part for arraignment (entrance in rear of building)
 - 2. Upon felony appearance ticket being issued, all paperwork will be emailed in advance to the Ulster County Court Clerk at cjones@nycourts.gov and bcornell@nycourts.gov. The youth will be directed to appear before Youth Part on the next Tuesday or Thursday at 1:30.
 - ii. When Youth Part is not in session
 - 1. Upon arrest, the youth will be immediately brought before the most accessible magistrate in the jurisdiction geographically located closest to the location of the arrest.
 - 2. All paperwork should be emailed to the Ulster County Court Clerk at cjones@nycourts.gov and bcornell@nycourts.gov by the following morning.
 - iii. Youth Part Arraignment (will not differ from criminal arraignment, except for the following key components)
 - 1. Parent(s) Attendance at Arraignment (Notification Responsibility)

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- a. Parents or other person legally responsible for the youth's care (OPLR) shall have the right to attend arraignments. The arresting agency will notify the parents or OPLR upon arrest. The arresting agency will apprise the parent or OPLR of the location and approximate time the youth will be brought to court for arraignment.
- b. Probation may also assist immediately after becoming engaged in the process. In the event the parent or OPLR have not been notified when the youth is produced in Youth Part, the court will attempt another notification to the parent or OPLR and will make subsequent notifications when the case is adjourned to a future date.
- c. The Youth Part judge will not be required to address the parents or OPLR, except the judge may address either regarding the release of the youth.
- d. Parents or OPLR shall have the right and will be offered the opportunity to participate in conferences involving probation and the youth.

2. Parents or OPLR Participation


- a. Immediate notification shall be given to the parents or OPLR by the arresting law enforcement agency.
- b. Parents or OPLR shall be present whenever possible.
- c. Parents or OPLR shall have the right to be present during arraignment and any subsequent proceedings.
- d. Parents or OPLR shall have the right to participate during the needs and risk assessments and case planning conferences with probation, the youth and defense counsel.

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F. Proper Juvenile Paperwork - Upon completion of a juvenile arrest, officers will complete;

1. An incident and case in LERMS.
2. A “statement of fact” which serves as the accusatory instrument in Family Court. This is the narrative of the case, detailing the investigation results, case facts and charges that would be filed if the alleged crime were committed by an adult. This document must either be notarized or be affirmed under penalty of perjury and contain the following wording;
 - i. It is a crime, punishable as a Class A Misdemeanor under the laws of the State of New York pursuant to section 210.45 of the NYS Penal Law, for a person, in and by a written instrument, to knowingly make a false statement, or to make a statement which such person does not believe to be true.
3. A “probation intake” form. A copy of this form will be sent to the probation services of Ulster County along with a copy of the statement of fact and pink copy of the appearance ticket.
 - i. Indicate on the Intake Form whether the victim/complainant elects to allow the juvenile to participate in diversion or proceed directly to petition.
4. An Ulster County Family Court Appearance Ticket. Carbon copies of this ticket will be issued to the juvenile and a parent or guardian. Make Appearance Tickets returnable to Ulster County Probation, 733 Broadway, Kingston New York 12401 for Wednesday at 10:00 a.m. DO NOT make appearance more than 10 days from arrest.
5. Supervisors will review the juvenile arrest paperwork and after their approval will forward to the Administrative Assistant for sending to Ulster County Family Court and placing in the department files.
6. The Administrative Assistant will mail the completed paperwork to Family Court and place copy in the department juvenile arrest file.

G. Recordkeeping - Juvenile data entered into LERMS will be auto-locked by the program providing access only to essential personnel needing it for official business. Hard copy juvenile paperwork will be kept in

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a separate, locked filing cabinet shelf dedicated to the detective division. Access will be to essential personnel for official business.

H. Filing a PINS Petition - The following persons may originate a proceeding;

1. a peace officer, acting pursuant to his special duties, or a police officer;
2. the parent or other person legally responsible for his care;
3. any person who has suffered injury as a result of the alleged activity of a person alleged to be in need of supervision, or a witness to such activity;
4. the recognized agents of any duly authorized agency, association, society or institution; or
5. the presentment agency that consented to substitute a petition alleging the person is in need of supervision for a petition alleging, that the person is a juvenile delinquent.

I. Return of Juvenile Runaway

1. A peace officer, acting pursuant to such peace officer's special duties, or a police officer may return to a parent or other person legally responsible for such child's care any child under the age of eighteen who has run away from home without just cause or who, in the reasonable conclusion of the officer, appears to have run away from home without just cause. For purposes of this action, a police officer or peace officer may reasonably conclude that a child has run away from home when the child refuses to give his or her name or the name and address of a parent or other person legally responsible for such child's care or when the officer has reason to doubt that the name or address given are the actual name and address of the parent or other person legally responsible for the child's care.
2. A peace officer, acting pursuant to the peace officer's special duties, or a police officer is authorized to take a youth who has run away from home or who, in the reasonable opinion of the officer, appears to have run away from home, to a facility certified or approved for such purpose by the office of children and family services, if the peace officer or police officer is unable, or if it is unsafe, to return the youth to his or her home or to the custody of his or her parent or

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other person legally responsible for his or her care. Any such facility receiving a youth shall inform a parent or other person responsible for such youth's care.

50.45 RESOURCES/TRAINING

- A. The department maintains a Juvenile file and a Raise the Age file in the company folder with forms and resources to help guide agency personnel in juvenile operations.
- B. The department will work with the Ulster County District Attorney's Office and the County Attorney's Office to provide in-service training to members.